

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA

**FABIAN R. STRAUSS** : **CIVIL ACTION**  
**VERSUS** : **NUMBER: 17-235**  
**BD. OF SUPERVISORS FOR THE** : **UNASSIGNED DISTRICT JUDGE**  
**UNIVERSITY OF LOUISIANA**  
**SYSTEM, ET AL** : **MAGISTRATE JUDGE**  
**CAROL B. WHITEHURST**

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**ANSWER, AFFIRMATIVE DEFENSES,**  
**AND REQUEST FOR TRIAL BY JURY**

**NOW INTO COURT**, through undersigned counsel, come Defendants, the State of Louisiana, through the Board of Supervisors for the University of Louisiana System, and Dr. Carol Landry, in her official capacity, (collectively the “State Defendants”), who respectfully submit this Answer, Affirmative Defenses, and Request for Trial by Jury in response to the *Complaint*<sup>1</sup> filed on behalf of Fabian R. Strauss.

**AFFIRMATIVE DEFENSES**

For their Affirmative Defenses to Plaintiff’s *Complaint*, the State Defendants assert the following:

*First Affirmative Defense*

The State Defendants are protected from liability for the claims asserted in the Plaintiff’s *Complaint* by Qualified Immunity. Qualified Immunity bars the State Defendants’ liability even if they violated Plaintiff’s constitutional rights, which the State Defendants affirmatively deny.

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<sup>1</sup> R. 1.

***Second Affirmative Defense***

Any injury sustained by Plaintiff was caused directly and solely by third parties whom the State Defendants were not and are not responsible, or by a superseding or intervening cause or condition.

***Third Affirmative Defense***

Plaintiff's *Complaint* fails to state a claim for failure to provide accommodations due to Title II of the Americans with Disabilities Act and section 504 of the federal Rehabilitation Act.

***Fourth Affirmative Defense***

Plaintiff's *Complaint* fails to state a claim under Title II of the Americans with Disabilities Act and section 504 of the federal Rehabilitation Act upon which relief can be granted.

***Fifth Affirmative Defense***

The State Defendants deny any and all liability unto Plaintiff.

***Sixth Affirmative Defense***

The State Defendants assert their right to any affirmative defense specified in Fed. R. Civ. Proc. 8(c) not specifically enumerated above.

**NOW, THE STATE DEFENDANTS ANSWER PLAINTIFF'S *COMPLAINT* AS FOLLOWS:**

**1.**

The allegations contained in Paragraph 1 of the *Complaint*, concerning the basis for this Honorable Court's exercise of federal question jurisdiction over Title II the Americans with Disabilities Act claims against the State Defendants are admitted. The remaining allegations contained in Paragraph 1 are denied.

**2.**

The allegations of Paragraph 2 of the *Complaint* are denied.

**3.**

Upon information and belief, the allegations of Paragraph 3 of the *Complaint* are admitted.

**4.**

Except to admit that the State of Louisiana, through the Board of Supervisors for the University of Louisiana System, has been named as a defendant in the captioned matter, is a state agency created under the laws of the State of Louisiana, and domiciled in East Baton Rouge Parish, Louisiana, the allegations contained in Paragraph 4 of the *Complaint* are denied.

**5.**

Upon information and belief, the allegations of Paragraph 3 of the *Complaint* are admitted.

**6.**

The allegations contained in Paragraph 6 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**7.**

The allegations contained in Paragraph 7 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**8.**

The allegations contained in Paragraph 8 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

***Failure to Accommodate: Housing***

**9.**

The allegations contained in Paragraph 9 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**10.**

The allegations contained in Paragraph 10 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**11.**

The allegations contained in Paragraph 11 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**12.**

The allegations contained in Paragraph 12 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**13.**

The allegations contained in Paragraph 13 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**14.**

The allegations contained in Paragraph 14 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**15.**

The allegations contained in Paragraph 15 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

***Failure to Accommodate: Academic Aides***

**16.**

The allegations contained in Paragraph 16 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**17.**

The allegations contained in Paragraph 17 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**18.**

The allegations contained in Paragraph 18 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**19.**

The allegations contained in Paragraph 19 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**20.**

The allegations contained in Paragraph 20 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**21.**

The allegations contained in Paragraph 21 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**22.**

The allegations contained in Paragraph 22 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**23.**

The allegations contained in Paragraph 23 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**24.**

The allegations contained in Paragraph 24 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**25.**

The allegations contained in Paragraph 25 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**26.**

The allegations contained in Paragraph 26 of the *Complaint* are denied for lack of sufficient information to justify a belief therein.

**Count I: Discrimination Based on Disability**

**27.**

The allegations contained in Paragraph 27 of the *Complaint* are denied.

**28.**

The allegations contained in Paragraph 28 of the *Complaint* are denied.

**29.**

The allegations contained in Paragraph 29 of the *Complaint* are denied.

**30.**

The allegations contained in Paragraph 30 of the *Complaint* are denied.

**JURY DEMAND**

**31.**

The allegations contained in paragraph 31 of the *Complaint* do not call for a response from the State Defendants; however, in the event that a response is required, the allegations are denied.

**32.**

The allegations contained in Plaintiff's Prayer for Relief are denied to the extent that the contained allegations are directed at the State Defendants or imply that the State Defendants are liable for any or all of the alleged injuries.

**33.**

Plaintiff's *Complaint* and the claims asserted therein have no basis in law or in fact and such would have been apparent to Plaintiff upon reasonable inquiry. Accordingly, the State Defendants are entitled to recover reasonable expenses incurred in defense of this suit, including but not limited to reasonable attorney's fees.

**34.**

The State Defendants specifically reserve the right to supplement and amend their answer and affirmative defenses to assert all defenses that become available or apparent during the course of the investigation and/or discovery.

**WHEREFORE**, the State Defendants pray that after all due proceedings had, that there be judgment in their favor and against Plaintiff, dismissing the demands of Fabian R. Strauss, with full prejudice, at Plaintiff's cost and for all other just and equitable relief.

*Signature block on the next page.*

Respectfully submitted,

**JEFF LANDRY  
ATTORNEY GENERAL**

BY: /s/ Jeremiah J. Sams  
**JEREMIAH J. SAMS #36274**  
**Assistant Attorney General**

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**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on the 13<sup>th</sup> day of November, 2017, the foregoing was filed electronically with the Clerk of Court by using the CM/ECF system. Notice of this filing will be sent to all parties and/or counsel of record who participate in electronic filing by operation of the court's electronic filing system.

Fabian R. Strauss,  
through his attorney of record,  
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Notice will be mailed to any party or counsel of record not participating in the Court's CM/ECF system by this date depositing same in the United States Mail, first class postage prepaid, and properly addressed.

*s/Jeremiah J. Sams*  
Jeremiah J. Sams